

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

SB 2188 - HB 2502

February 21, 2012

SUMMARY OF BILL: Creates a Class E felony for a parent of a child to fail to report or otherwise notify appropriate authorities of such child's death, accidental or otherwise, or of the fact that the child is missing, within one hour of the time the parent, guardian, or caretaker knew, discovered, should have known or discovered, or reasonably believed the child was dead. Notification within 24 hours is required for a missing child. It is a defense to prosecution that the parent was injured, incapacitated, or otherwise justifiably unable to notify authorities within the appropriate time; or if a reasonable attempt was made to notify the appropriate authority but such attempt was unsuccessful through no fault of the parent. Defines "child" as any person under 18 years of age who is not emancipated or on active military duty. Defines "missing child" as a child who is believed by the child's parent to have been removed by force, persuasion, trick, enticement, false pretense, or is absent for unexplained or unknown reasons. Defines "parent" as a natural or adoptive parent, guardian, or person or organization standing in a loco parentis position by virtue of a court order.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$9,400/Incarceration*

Assumptions:

- According information provided by the Tennessee Bureau of Investigation (TBI), there has been an average of 8,318 reports of missing children in each of the last four years. As of July 31, 2011, there were 105 active missing children cases.
- Two Class A misdemeanor charges currently exist that are similar to the proposed bill. These are failure to report child abuse, Tenn. Code Ann. § 37-1-412, and failure to report sexual abuse, Tenn. Code Ann. §37-1-615.
- State court convictions are 10 percent of the total convictions statewide. According to the Administrative Office of the Courts (AOC), there has been an average of two convictions in each of the last four years for failure to report child abuse, and an average of three convictions in each of the last five years for failure to report sexual abuse. Total convictions, including general sessions courts, are estimated to be an average of 20 convictions for failure to report child abuse and 30 convictions for failure to report sexual abuse each year.
- The Department of Correction (DOC) estimates one offender every three years will be convicted of a Class E felony as a result of this bill.

- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 over the next 10 years. No significant increase in incarceration costs will be realized in this period. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one additional offender every three years.
- According to the DOC, the average operating cost per offender per year for calendar year 2012 is \$61.36. The average post-conviction time served for a Class E felony is 1.27 years (463.87 days) at a cost of \$28,463.06 (\$61.36 x 463.87 days). The annualized cost per offender is \$9,392.81 (0.33 annual number of convictions x \$28,463.06).
- Any impact on caseloads for the state trial courts can be accommodated within existing judicial resources without an increased appropriation or reduced reversion.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Lucian D. Geise, Executive Director

/lsc